

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 25, 2002

D039287 In re Bousamra on Habeas Corpus

The petition is denied.

D039567 In re Cameron on Habeas Corpus

The petition is denied.

D039450 In re Bowling on Habeas Corpus

The petition is denied.

D039737 In re Dominick S. et al., Juveniles

The appeal is dismissed as untimely filed.

D038876 In re M. S., a Juvenile

The judgments are affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D035853 People v. Pradd et al.

The judgments against Pradd and Outhiphone are affirmed. The court is instructed to modify the portions of the judgment against Thanousone that impose sentencing enhancements under section 12022.5, subdivision (a)(1), and restitution and parole revocation fines. On remand for resentencing of Thanousone, the court is directed to strike the sentencing enhancements and modify the amounts of the fines in a manner consistent with this opinion and in accordance with the provisions of sections 1202.4, subdivisions (b) and (d), and 1202.45. Upon entry of the modified judgment, the clerk is directed to forward a copy of the corrected abstract of judgment to the Department of Corrections. In all other respects the judgment against Thanousone is affirmed. Nares, Acting P.J.; We Concur: McIntyre, J. O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 26, 2002

D038456 Cook v. Hot Dogger Tours, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D038869 People v. Tapia

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D035486 McMeans et al. v. Scripps Health et al.

In accordance with this court's opinion filed March 26, 2002, the appeal of appellants Paul E. McMeans et al., as to respondent Medical Liability Recoveries, Inc. is severed from that of respondent Scripps Health and assigned Court of Appeal number D039761. The record on appeal in D035486 is incorporated by reference in D039761. The appeal in D039761 shall remain stayed pursuant to section 362 of the Bankruptcy Code.

D035486 McMeans et al. v. Scripps Health

In accordance with this court's order of June 11, 2001, staying this appeal as to Medical Liability Recoveries, Inc. under title 11 United States Code section 362, Medical Liability Recoveries, Inc.'s appeal is severed from that of Scripps Health.

The court's grant of summary judgment in favor of Scripps is reversed. The court's denial of Class members' motion for summary adjudication of Scripps's defense of privilege under section 47, subdivision (b)(2) is affirmed. The court's denial of Class members' motion for summary adjudication of their eighth cause of action for declaratory relief is reversed as to class representatives McMeans and Shaul, but affirmed as to class representative Denny. Class members and Scripps to bear their own costs on appeal. CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039604 Applied Micro Circuits Corporation et al. v. Superior Court of San Diego County/Cheng et al.

The petition and stay request are denied.

D037199 People v. Miller

The request for publication of the opinion is denied.

D036704 Martin et al. v. Department of Real Estate et al.

The request for leave and rehearing is denied.

D038607 Cho v. Chi

The judgment is reversed. Appellant to recover her costs on appeal. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D038631 Chorak v. City of San Juan Capistrano et al.

The judgments are affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 26, 2002 (Continued)

D037044 People v. Thomas

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037729 In re N. S., a Juvenile

The orders are affirmed. The stay issued March 11, 2002, is vacated. O'Rourke, J.;
I Concur: Kremer, P.J., I Dissent: McDonald, J.

D039591 In re Hornsby on Habeas Corpus

The petition is denied.

D039501 Cairo v. Regents of the University of California et al.

No docketing statement and copy of a judgment having been filed, the appeal is dismissed.

D038613 Layhee v. Prestige Stations, Inc.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Respondent to bear its own costs on appeal.

**D039772 Berlin et al. v. Superior Court of San Diego County/Lawyers Title Insurance Co.
et al.**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 27, 2002

D037625 People v. Segal

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038415 People v. Jones

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J.; O'Rourke, J.

D038762 People v. Ziemann

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038245 People v. Morrison

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038840 Keener v. County of San Diego

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D039540 David D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner David D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to David D. is dismissed.

D036935 In re Brown on Habeas Corpus

The petition is denied. CERTIFIED FOR PUBLICATION. Benke, Acting P.J.; We Concur: Nares, J. McDonald, J.

D038717 People v. Dusil

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039038 In re Jason C., a Juvenile

The order is affirmed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D038636 Soffa Electric, Inc. v. The Whiting-Turner Contracting Company, Inc.

The portion of the order granting a new trial on appellant's cause of action for fraud is reversed. The portion of the order granting a new trial on appellant's claim for punitive damages for fraud is affirmed. The order denying appellant's motion for attorneys fees is affirmed. Each side shall bear its own costs on appeal. Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

D036326 Carver et al. v. Chevron U.S.A., Inc., et al.

The postjudgment order is reversed with directions to the trial court to make appropriate findings and apportionment of attorney fees to delete only that part of the attorney fees award that represents the defense of the Cartwright Act claims. The balance of the order is affirmed. Each party is to bear its own costs on this appeal. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; We Concur: Haller, J., McConnell, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 27, 2002 (Continued)

D038655 In re Brianna W., a Juvenile.

D039302 In re Larry W. on Habeas Corpus

(Consolidated) The judgment and orders are affirmed. The petition for writ of habeas corpus is denied.
Kremer, P.J.; We Concur: Benke, J., Nares, J.

D039781 McDonnal v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 28, 2002

D036907 Walden v. Schaefer

The judgment is affirmed. Walden is awarded costs on appeal. McConnell, J.;
We Concur: Huffman, Acting P.J., Haller, J.

D037169 In re the marriage of Kramer

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

D039102 In re N.S., a Juvenile

The September 17, 2001, order continuing jurisdiction is reversed. The trial court is directed to vacate that order and enter an order terminating jurisdiction. CERTIFIED FOR PUBLICATION. McDonald, J.;
We concur: Kremer, P.J., O'Rourke, J.

D036332 People v. Guzman

The judgment (order denying juror information) is affirmed. Huffman, Acting P.J.;
We Concur: Haller, J., McConnell, J.

D039522 In re Campbell on Habeas Corpus

The petition is denied.

D038624 Cherifi v. Ziccardi, Individually and as Trustees, etc., et al.

The judgments are affirmed. Kremer, P.J.; We Concur: Nares, J., O'Rourke, J.

D037773 Keating et al. v. San Diego Civil Service Commission et al.

The judgment is affirmed. Appellant to bear costs on appeal. O'Rourke, J.;
We Concur: Benke, Acting P.J., Nares, J.

D038976 Schroeder v. City Council of the City of Irvine et al.

The opinion filed March 6, 2002, is ordered certified for publication.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

MARCH 29, 2002

D038389 People v. Varela

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036925 Collins v. Feldman et al.

The judgment is reversed to the extent it denies specific performance. The matter is remanded with directions to the trial court to grant specific performance of the provisions of paragraph 12 of the partnership agreement as decreed in its August 11, 1999 order granting declaratory relief. Costs on appeal are awarded to Collins. McIntyre, J.; We Concur: McDonald, Acting P.J., McConnell, J.

D036797 Beckner v. City of San Marcos

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D037778 People v. Kay

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D037848 In re the Marriage of Cruz

The order is affirmed. Kremer, P.J.; We Concur: Benke, J., Huffman, J.

D038028 People v. Spivey

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D038677 People v. Krueger

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.